

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

EVA DENISE MONTOYA,

Plaintiff,

v.

No. CV-2011-0814 RB/SMV

MARCUS ROMERO,

Defendant.

STIPULATED CONFIDENTIALITY ORDER

THIS MATTER Comes before the Court on the parties' stipulation regarding inspection of a computer hard drive believed to have been formerly used by Defendant during the time he was employed with the Cuba Police Department.

The Court, FINDS, that the Motion is well taken and therefore Orders as follows:

1. The computer hard drive in question will be picked up from the offices of James P. Lyle, P.C. by Kenneth M. Hargis, Managing Partner at Orphic Workshop, LLC. Mr. Hargis will, by himself, and outside the presence of any other person, inspect the hard drive to determine if he can locate copies of an audio recording made on September 23, 2010, by former Cuba Police Department Officer Marcus Romero at the Plaintiff's residence in Cuba, New Mexico.
2. Mr. Hargis is specifically prohibited from downloading, storing, recording, describing or otherwise making any type of record or report whatsoever regarding anything stored on the hard drive which is not part of the audio recording described above, other than as necessary to preserve the hard drive by copying to entire hard drive to use as a working copy. For purposes of this Order, the working copy shall be deemed the same as the original and all


restrictions contained herein apply to both the working copy and the original.

3. In the event that Mr. Hargis believes that he does or can locate any data or information regarding the audio recording in question, he shall simultaneously notify the attorneys for Plaintiff and Defendant and arrange a mutually agreeable time when all attorneys who desire to be present can attend a session at any mutually convenient and agreeable location and review whatever information or data Mr. Hargis has been able to retrieve. In the event such information is retrieved, the attorneys for the parties will then attempt to agree on a mutually acceptable and reasonable means for preservation, production and presentation of the data or recorded information. If counsel for the parties cannot agree, the issue will be submitted to the Court.

4. Mr. Hargis is strictly prohibited from altering, destroying or changing any of the data information on the computer hard drive, or working copy, in any way. After Mr. Hargis has completed his work in this matter, the original computer hard drive and the working copy will be returned to counsel for Defendant.

5. By his signature below, Mr. Hargis acknowledges his receipt, review and understanding of the terms and conditions of this Order and further understands that he is bound by this Order fully and completely and subject to potential sanctions should any portion of this Order be violated or disregarded.

APPROVED:


Rachel Higgins, Esquire
Attorney for Plaintiff Montoya


Stephen Vidmar, U.S. Magistrate Judge

From: Lucero & Howard

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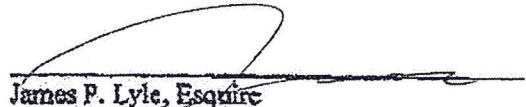
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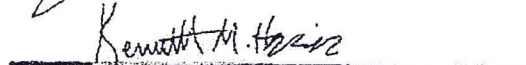
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LAW OFFICE JAMES LYLE

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James P. Lyle, Esquire
Attorney for Defendant Romero

TERMS OF ORDER ACKNOWLEDGED AND UNDERSTOOD:


Kenneth M. Hargis, Managing Partner
Orphic Workshop, LLC